

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 09980 281716Z

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ACTION SS-25

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 6421

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C O N F I D E N T I A L NEW DELHI 9980

EXDIS

E.O. 11652: GDS

TAGS: PFOR, PK, IN, BG

SUBJECT: INDIA-PAKISTAN-BANGLADESH NEGOTIATIONS

REF: STATE 170337

BEGIN SUMMARY: DCM SCHNEIDER CONVEYED DEPARTMENT'S RESPONSE TO PAK REQUEST FOR HELP TO ABDUL SATTAR, AUGUST 28. SATTAR ACCEPTED USG POSITION WITHOUT ANY OBVIOUS CONCERN, PERHAPS BECAUSE, AS HIS LATER REMARKS INDICATED, THE "COMPREHENSIVE" PAK PROPOSAL WAS NO LONGER UNDER ACTIVE CONSIDERATION. HE SAID THAT THERE WAS A GOOD PROSPECT FOR AGREEMENT ON THE PREVIOUS MORE LIMITED PROPOSAL UNDER WHICH THE ISSUE OF WAR CRIMES TRIALS WOULD BE SET ASIDE. SATTAR REPORTED THAT THE INDIAN AND PAKISTANI NEGOTIATING TEAMS HAD REACHED AGREEMENT ON ALL BUT ONE POINT. THE REMAINING ISSUE CONCERNED NUMBERS OF NON-BENGALEES (BIHARIS) WHO WOULD BE ACCEPTED BY PAKISTAN. SATTAR HOPED THERE COULD BE A COMPROMISE ON THIS POINT. PRESS TICKERS SAY THAT AGREEMENT COULD BE REACHED AS EARLY AS THIS AFTERNOON. END SUMMARY.

1. THE DCM CONVEYED THE DEPARTMENT'S RESPONSE TO SATTAR, STICKING CLOSE TO THE LANGUAGE OF THE INSTRUCTION. HE POINTED OUT THAT WHILE THE US HAS CAREFULLY AVOIDED INVOLVEMENT IN THE DETAILS OF THE NEGOTIATING PROCESS, IT HAS FULLY SUPPORTED THE NEGOTIATIONS AS IT CONSIDERS THEIR SUCCESS WILL CONTRIBUTE
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CONFIDENTIAL

PAGE 02 NEW DE 09980 281716Z

TO THE STABILITY OF THE SUBCONTINENT. SATTAR ACCEPTED THIS POSITION

AND TURNED IMMEDIATELY TO A DESCRIPTION OF THE CURRENT STATE OF PLAY OF THE TALKS.

2. SATTAR CONSIDERED THAT BANGLADESH HAD NOT GRASPED THE FULL SIGNIFICANCE OF BHUTTO'S COMPREHENSIVE PROPOSAL FOR IMMEDIATE RESOLUTION OF BOTH THE POW AND RECOGNITION PROBLEMS. THE INDIANS SAID THAT BANGLADESH BELIEVED THE PAK PROPOSAL, INTRODUCED AT SUCH A LATE STAGE IN THE NEGOTIATIONS, WAS DESIGNED TO WRECK THE PROPECTS FOR THE CONFERENCE. THE PAKISTANI DELEGATION DENIED THIS BUT NONETHELESS AGREED TO RETURN TO THE EARLIER MORE LIMITED INDIAN PROPOSALS WHICH DID NOT TAKE UP THE RECOGNITION ISSUE AND SOUGHT TO FREEZE THE QUESTION OF TRIALS.

3. SATTAR REPORTED THAT THERE WAS NOW AGREEMENT BETWEEN INDIA AND PAKISTAN ON ALL ISSUES EXCEPT THAT RELATED TO NON-BENGALEES (BIHARIS) WHO WOULD BE ACCEPTED BY PAKISTAN. THE PAK POSITION ON BIHARIS WAS THAT THE GOP WOULD ACCEPT ALL WEST PAKISTAN-DOMICILED BIHARIS (50,000 INCLUDING THOSE IN NEPAL AND THOSE WHO HAVE ALREADY ARRIVED IN PAKISTAN) PLUS A SUBSTANTIAL ADDITIONAL NUMBER OF HARDSHIP CASES (THE GOP AGREED IT WOULD ACCPET 20,000 TO 25,000). PAKISTAN HAS ALSO AGREED TO A LATER BILATERAL MEETING WITH BANGLADESH AT WHICH MOVEMENT OF ADDITIONAL BIHARIS COULD BE CONSIDERED. THE INDIAN POSITION HAS BEEN THAT BIHARIS AND BENGALEES SHOULD BE EXCHANGED ON A ONE FOR ONE BASIS (I.E., 150,000 EACH WAY). THIS LEFT A GAP OF 75,000 BETWEEN THE INDIAN AND PALISTANI POSITIONS. HOWEVER THE GOI HAS RECOGNIZED THAT A SIGNIFICANT NUMBER OF BENGALEES MAY NOT WISH TO RETURN TO BANGLADESH. IF ONE ASSUMED THAT ONLY 125,000 BENGALEES WOULD RETURN THIS NARROWED THE GAP TO 50,000. FURTHERMORE, ACCORDING TO SATTAR, THE INDIANS HAVE MODIFIED THEIR LANGUAGE REGARDING BIHARIS SO THAT IT NOW SAYS THAT A NUMBER "NOT EXCEEDING THE NUMBER OF BENGALEES WHO RETURN TO BANGLADESH" WOULD BE ACCEPTED BY PAKISTAN. THE PAKISTANIS SEE A NUANCE IN THIS LANGUAGE WHICH SUGGESTS THAT THE FIGURE WOULD BE A CEILING AND NOT A REQUIREMENT.SATTAR SAID HE WAS HOPEFUL SOME COMPROMISE AGREEMENT COULD BE REACHED ON THIS ISSUE TODAY. IN FACT, HE SAID, THE PAK DELEGATION HAS ALREADY LET IT BE KNOWN IT MIGHT BE ABLE TO INCREASE THE NUMBER OF HARDSHIP CASES SOMEWHAT ABOVE 20,000.

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PAGE 03 NEW DE 09980 281716Z

4. AS FOR THE REST OF THE PROPOSAL, SATTAR SAID THERE WAS AGREEMENT THAT ALL BENGALEES WOULD BE RELEASED BY PAKISTAN (NONE HELD BACK). THE PRISONERS OF WAR WOULD BE RELEASED BY 195 WOULD BE HELD BACK "WITHOUT PREJUDICE TO THE POSITIONS OF THE PARTIES CONCERNED." THIS MEANS THAT PAKISTAN WOULD CONTINUE TO MAINTAIN THAT THEIR RETENTION WAS CONTRARY TO THE GENEVA CONVENTION. BANGLADESH WOULD CONTINUE TO MAINTAIN ITS RIGHT

TO CONDUCT WAR CRIMES TRIALS. IT WAS AGREED THAT NO TRIALS WOULD BE HELD DURING THE ENTIRE PERIOD OF REPATRIATION OF POWS. IT WAS FURTHER AGREED THAT THE 195 WOULD REMAIN IN INDIA PENDING THE SETTLEMENT ON THEIR DISPOSITION. FINALLY, IT WAS AGREED THAT THERE WOULD BE A MEETING AMONG THE PRIME MINISTERS OF INDIA, PAKISTAN AND BANGLADESH OR THEIR DESIGNATED REPRESENTATIVES, TO SETTLE THE QUESTION OF WHAT TO DO WITH THE 195. PARTICIPATION IN THIS MEETING WOULD BE ON THE BASIS OF "SOVEREIGN EQUALITY".

5. SATTAR POINTED OUT THAT THIS PHRASE, "SOVEREIGN EQUALITY" AGAIN RAISED THE ISSUE OF RECOGNITION. THUS THE OLD PROBLEM OF WHICH COMES FIRST, RECOGNITION OR ABANDONMENT OF THE TRIALS, STILL EXISTS. IT HAS SIMPLY BEEN RESERVED FOR THE FUTURE. IF THE TRILATERAL MEETING IS TO SUCCEED SOME WAY AROUND THIS IMPASSE WILL HAVE TO BE FOUND. SATTAR HOPED THE US COULD BE HELPFUL IN CREATING A CLIMATE IN WHICH THE IMPASSE COULD BE REMOVED.

6. COMMENT: THE SITUATION SATTAR REPORTS IS A SHARP IMPROVEMENT OVER THE EARLIER IMPASSE. THE PRESS TICKERS REPORT THE TWO DELEGATIONS ARE MEETING THIS AFTERNOON TO SIGN A FINAL AGREEMENT, BUT A FEW MINOR POINTS REMAIN TO BE WORKED OUT.

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